

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

RESCUECOM CORPORATION,

Plaintiff,

v.

5:07-CV-0690  
(FJS/ GHL)

JONATHAN CHUMLEY; and  
OSI CONSULTING, LLC,

Defendants.

---

APPEARANCES:

OF COUNSEL:

RESCUECOM CORPORATION  
CORPORATE COUNSEL

EDMUND J. GEGAN, ESQ.

Counsel for Plaintiff  
2560 Burnet Avenue  
Syracuse, New York 13206

LAW OFFICES OF RONALD J. KIM

RONALD J. KIM, ESQ.

Counsel for Defendants  
P.O. Box 318  
Saratoga Springs, New York 12866

**FREDERICK J. SCULLIN, S.J.:**

**DECISION & ORDER**

Presently before the Court is Magistrate Judge George H. Lowe's November 2, 2007 Report-Recommendation in which he recommends that Plaintiff's motion for remand (Dkt. No. 13; *see also* Docket Minute Entry for 7/18/07) be **denied**; that Defendants' cross-motion to dismiss for lack of personal jurisdiction, or in the alternative, to transfer this action to the Western District of Louisiana (Dkt. Nos. 18-19) be **denied** and that Defendants' alternative cross-motion to compel arbitration pursuant to the parties' Franchise Agreement (Dkt. Nos. 18-

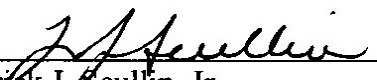
19) be **DENIED without prejudice** pursuant to 28 U.S.C. § 636(b)(1), and the Court having reviewed the Report-Recommendation and the entire file in this matter and no objections to said Report-Recommendation having been filed, the Court hereby

**ORDERS**, that the Report-Recommendation filed by Magistrate Judge George H. Lowe on November 2, 2007 is, for the reasons stated therein, **ACCEPTED** in its entirety; and the Court further

**ORDERS**, that Plaintiff's motion for remand (Dkt. No. 13; *see also* Docket Minute Entry for 7/18/07) is **DENIED**; that Defendants' cross-motion to dismiss for lack of personal jurisdiction, or in the alternative, to transfer this action to the Western District of Louisiana (Dkt. Nos. 18-19) is **DENIED** and that Defendants' alternative cross-motion to compel arbitration pursuant to the parties' Franchise Agreement (Dkt. Nos. 18-19) is **DENIED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 636(b)(1).

**IT IS SO ORDERED.**

Dated: November 21, 2007  
Syracuse, New York

  
\_\_\_\_\_  
Frederick J. Scullin, Jr.  
Senior United States District Court Judge